

AMENDED IN SENATE APRIL 13, 2009

SENATE BILL

No. 599

Introduced by Senator Negrete McLeod

February 27, 2009

~~An act to add Section 27.5 to the Business and Professions Code, relating to business and professions. An act to add Sections 27.5 and 27.6 to the Business and Professions Code, and to amend Section 14206 of the Unemployment Insurance Code, relating to workforce development.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 599, as amended, Negrete McLeod. ~~Licensing boards; disciplinary actions. Workforce development.~~

Existing

(1) *Existing* law establishes the Department of Consumer Affairs in the State and Consumer Services Agency. Existing law establishes within the department specified boards, bureaus, and commissions for the purpose of ensuring that private businesses and professionals engaging in activities that have potential impact upon the public health, safety, and welfare are adequately regulated in order to protect the people of California. Existing law authorizes those entities to license qualified persons according to set and accepted professional standards, and to provide a means for redress of grievances by investigating allegations of unprofessional conduct, incompetence, fraudulent action, or unlawful activity. Existing law requires certain of those entities to provide on the Internet information regarding the status of every license issued by an entity in accordance with the California Public Records Act.

This bill would require every board, as defined, to post each accusation, statement of issues, or disciplinary action taken by the board on that board's Internet Web site within 10 days of the filing date of the accusation or statement of issues, or the effective date of the disciplinary action.

(2) The former Private Postsecondary and Vocational Education Reform Act of 1989, which became inoperative on July 1, 2007, and was repealed on January 1, 2008, was administered by the Bureau for Private Postsecondary and Vocational Education in the Department of Consumer Affairs. The former act generally effectuated legislative intent to ensure minimum standards of instructional quality and institutional stability in private postsecondary educational institutions and required the bureau, among other things, to review and investigate all institutions, programs, and courses of instruction approved under the act.

This bill would require the successor agency to the former Bureau for Private Postsecondary and Vocational Education in the Department of Consumer Affairs to transmit any available data regarding school performance, as prescribed, it receives from any schools under its jurisdiction to the California Postsecondary Education Commission. However the bill would make this provision operative only if AB 48 of the 2009–10 Regular Session is enacted and becomes effective on or before January 1, 2010, and creates a successor agency to the former Bureau for Private Postsecondary and Vocational Education.

The federal Workforce Investment Act of 1998 provides for workforce investment activities, including activities in which states may participate. Existing law contains various programs for job training and employment investment, including work incentive and employment training outreach programs. The act also, establishes local workforce boards to develop, implement, and coordinate local workforce investment plans, as prescribed. Existing law provides that it is the duty of the local board, among other things to, coordinate workforce investment activities in the local area, and take specified actions to promote economic development and job training programs in the local area.

This bill would additionally provide that it is the duty of the local board award grants or contracts to national, regional, or industry accredited private postsecondary educational institutions for job training services and education programs. By imposing new duties on local workforce boards with regard to the provision of job training and education programs, the bill would impose a state-mandated local program.

(3) *The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 27.5 is added to the Business and
2 Professions Code, to read:

3 27.5. In addition to any applicable requirements specified in
4 Section 27, every board, as defined in Section 22, shall post each
5 accusation, statement of issues, or disciplinary action taken by the
6 board on that board's Internet Web site within 10 days of the filing
7 date of the accusation or statement of issues, or the effective date
8 of the disciplinary action. The link to each posted action shall be
9 easily accessible from the board's Internet home page.

10 SEC. 2. *Section 27.6 is added to the Business and Professions*
11 *Code, to read:*

12 27.6. *The successor agency to the Bureau for Private*
13 *Postsecondary and Vocational Education shall transmit any*
14 *available data regarding school performance, including, but not*
15 *limited to, attendance and graduation rates, it receives from any*
16 *schools under its jurisdiction to the California Postsecondary*
17 *Education Commission.*

18 SEC. 3. *Section 14206 of the Unemployment Insurance Code*
19 *is amended to read:*

20 14206. It shall be the duty of the local board to do all of the
21 following:

22 (a) Coordinate workforce investment activities in the local area
23 with economic development strategies.

24 (b) Promote participation of private sector employers in the
25 local workforce investment system.

26 (c) Develop and submit a local workforce investment plan to
27 the Governor.

1 (d) Select one-stop operators, with the agreement of the local
2 chief elected official, annually review their operations, and
3 terminate for cause the eligibility of such operators.

4 (e) Award grants or contracts to eligible providers of youth
5 activities in the local area on a competitive basis, consistent with
6 the Workforce Investment Act of 1998, based upon the
7 recommendations of the youth council.

8 *(f) Award grants or contracts to national, regional, or industry*
9 *accredited private postsecondary institutions for job training*
10 *services and education programs.*

11 ~~(f)~~
12 (g) Identify, consistent with the Workforce Investment Act of
13 1998, eligible providers of training services.

14 ~~(g)~~
15 (h) Identify eligible providers of intensive services and, when
16 the one-stop operator does not provide intensive services to the
17 local area, award contracts to those providers.

18 ~~(h)~~
19 (i) Develop local policy on the amount and duration of individual
20 training accounts based upon the market rate for local training
21 programs.

22 ~~(i)~~
23 (j) Conduct program oversight over workforce investment
24 activities in the local area.

25 ~~(j)~~
26 (k) Negotiate with the local chief elected official in the local
27 area and the Governor on local performance measures for the local
28 area.

29 ~~(k)~~
30 (l) Assist in the development of a statewide employment
31 statistics system, which shall be developed in conjunction with
32 and shall utilize to the fullest extent possible, the Employment
33 Development Department's labor market information system.

34 *SEC. 4. Section 2 of this bill shall only become operative if*
35 *Assembly Bill 48 is also enacted and becomes effective on or before*
36 *January 1, 2010, and that bill creates a successor agency to the*
37 *former Bureau for Private Postsecondary and Vocational*
38 *Education.*

39 *SEC. 5. If the Commission on State Mandates determines that*
40 *this act contains costs mandated by the state, reimbursement to*

1 *local agencies and school districts for those costs shall be made*
2 *pursuant to Part 7 (commencing with Section 17500) of Division*
3 *4 of Title 2 of the Government Code.*

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